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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,273

04/30/2001

Siegfried Ruthardt

R.37659

1054

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7590

04/30/2004

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EXAMINER

GORMAN, DARREN W

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/844,273	Applicant(s) RUTHARDT ET AL.	
	Examiner Darren W Gorman	Art Unit 3752	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 3,4,8,10-13,19,22,24,27, and 28.

Claim(s) rejected: 1,2,7,9,18,23,26,29 and 30.

Claim(s) withdrawn from consideration: 5,6,14-17,20,21 and 25.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


MICHAEL MAR
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Continuation of 2. NOTE: Regarding claim 2, which Applicant amended into independent form in the After Final Amendment, still would not overcome the 112 2nd paragraph rejection as specified by this office on January 9, 2004 and October 3, 2003. Specifically, Applicant's embodiments shown in the submitted drawings, do not show clearly a "bore" of any kind embodied centrally in the nozzle needle. Further, even if Applicant's drawings were to show such an embodiment having a bore embodied centrally in the nozzle needle, the prior art would only have to teach one of a bore embodied centrally of the nozzle needle OR the guide sleeve. Clearly, with regard to the prior art of record to Koenigswieser, guide sleeve (29) includes a centrally embodied bore (47) into which the end of the valve piston assembly (49) is received.

Further NOTE: with regard to claim 2, lines 4-5 in the After Final Amendment appear to have a several letters unintentionally omitted.

Further NOTE: with regard to independent claims 1, 2, 10, and 12, the preamble of claim 1 of Applicant's amendment filed on December 31, 2003 was slightly different than the preamble of the above listed independent claims filed in the After Final Amendment. Specifically "In an injector" somehow became "The fuel injector" in the preamble. This change was made without proper amendment mark-up notations in claim 1 of the After Final Amendment as required by 37 CFR 1.121.

Further NOTE: claims 21 and 22, being linked to independent claim 1, recite the same limitation as the added limitation of claim 1 in the After Final Amendment. Therefore, claims 21 and 22 would be objected to under 37 CFR 1.75 (c) for failing to further limit the subject matter of a previous claim.